HON'BLE THE CHIEF JUSTICE SRI G.S. SINGHVI
AND
HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

Writ Appeal No.110, 119,125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138 and 139 of 2007

Writ Appeal No. 110 of 2007

Between:

Central Power Distribution Co., of A.P. Ltd.,
Singareni Bhavan, Red Hills, Hyderabad,
Rep., by its Managing Director
... Appellant

And

Sree Rayalaseems Green Energy Ltd.,
Srinilayam K.P.S. Complex,
Station Road, Gooty represented by its
Chairman and Managing Director,
K. Madhusudhan, S/o. K. Padmanabhaiah Setty,
R/o. Station Road, Gooty and four others
...
Respondents

Counsel for the appellant : Shri T. Ananth Babu,
Senior Advocate
assisted by
Shri N. Jaya Surya for
Smt. P.V.V.B. Rajeswari

Counsel for the respondents : Shri K. Gopal Choudary.

Writ Appeal No. 119 of 2007

Between:

Central Power Distribution Co., of A.P. Ltd.,
Singareni Bhavan, Red Hills, Hyderabad,
Rep., by its Managing Director

... Appellant

And

Yashoda Super Speciality Hospital,
Nalgonda 'X' Roads, Malakpet,
Hyderabad – 500 036,
Rep., by its Manager (Finance)
Sri S. Sampath and another

... Respondents

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Counsel for the appellant : Shri T. Ananth Babu,

Senior Advocate

assisted by

Shri N. Jaya Surya

Counsel for the respondents : Shri C. Kodanda Ram

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Writ Appeal No. 125 of 2007

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Between:

Central Power Distribution Co., of A.P. Ltd.,
Singareni Bhavan, Red Hills, Hyderabad,
Rep., by its Managing Director

... Appellant

And

Jyothi Bio-Energy Ltd., 307, Liberty Plaza,
Basheerbagh, Hyderabad, rep., by its
Executive Director, N. Padma Rao,
S/o. N. Kotgeshwar Rao, R/o. Banjara Hills,
Hyderabad and three others

... Respondents

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Counsel for the appellant : Shri T. Ananth Babu,

Senior Advocate

assisted by

Shri N. Jayasurya

Counsel for the respondents : Shri K. Gopal Choudary.

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Writ Appeal No. 126 of 2007

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Between:

Central Power Distribution Co., of A.P. Ltd., Singareni Bhavan, Red Hills, Hyderabad, Rep., by its Managing Director and another

... Appellants

And

M/s. Ravindranath GE Medical Associates Pvt. Ltd., 6-1-1070/1 to 4, Lakdikapool, Hyderabad and another

... Respondents

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Counsel for the appellant : Shri T. Ananth Babu,

Senior Advocate assisted by

Shri N. Jaya Surya for Smt. P.V.V.B. Rajeswari

Counsel for the respondents : Shri C. Kodanda Ram

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Writ Appeal No. 127 of 2007

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Between:

Central Power Distribution Co., of A.P. Ltd., Singareni Bhavan, Red Hills, Hyderabad, Rep., by its Managing Director and another

... Appellants

And

M/s. Quality Care India Ltd.,
The Heart Institute, Road No.1,
Banjara Hills, Hyderabad,
Rep., by its Company Secretary,
Sri P.S.R. Swamy and another

...
Respondents

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Counsel for the appellants : Shri T. Ananth Babu,

Senior Advocate
assisted by
Shri N. Jaya Surya

Counsel for the respondents : Shri C. Kodanda Ram

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Writ Appeal No. 128 of 2007

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Between:

Central Power Distribution Co., of A.P. Ltd.,
Singareni Bhavan, Red Hills, Hyderabad,
Rep., by its Managing Director and another

... Appellants

And

M/s. Annapurna Associates Pvt. Ltd.
Regd. Office at 5-4-199, M.J Market,
Nampally, Hyderabad 500 001,
Rep., by its Company Secretary,
Sri P.S.R. Swamy and another

...
Respondents

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Counsel for the appellants : Shri T. Ananth Babu,

Senior Advocate
assisted by
Shri N. Jaya Surya

Counsel for the respondents : Shri C. Kodanda

Ram

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Writ Appeal No. 129 of 2007

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Between:

Central Power Distribution Co., of A.P. Ltd.,
Singareni Bhavan, Red Hills, Hyderabad,
Rep., by its Managing Director and another
... Appellants

And

M/s. Prasad Media Corporation Ltd.,
Regd. Office at NTR Gardens, LIC Division,
P.O., rep., by its Chief Engineer,
Sri Burugupally Srinivas and another
...
Respondents

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Counsel for the appellants : Shri T. Ananth Babu,
Senior Advocate
assisted by
Shri N. Jaya Surya for
Smt. P.V.V.B. Rajeswari

Counsel for the respondents : Shri C. Kodanda Ram

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Writ Appeal No. 130 of 2007

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Between:

Central Power Distribution Co., of A.P. Ltd.,
Singareni Bhavan, Red Hills, Hyderabad,
Rep., by its Managing Director and another
... Appellants

And

M/s. NATL Technologies Ltd.,
(Castor Oil Division), Regd. Office at
Plot No.30A, Road No. 1, Filmnagar,
Jubilee Hills, Hyderabad – 500 003,

Rep., by its Managing Director
and another

...
Respondents

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Counsel for the appellants : Shri T. Ananth Babu,

Senior Advocate

assisted by

Shri N. Jaya Surya

Counsel for the respondents : Shri C. Kodanda Ram

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Writ Appeal No. 131 of 2007

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Between:

Central Power Distribution Co., of A.P. Ltd.,
Singareni Bhavan, Red Hills, Hyderabad,
Rep., by its Managing Director and another

... Appellants

And

M/s. Hotel Kamal Private Ltd.,
H.No.9-1-167 & 168, S.D. Road,
Hyderabad – 500 003,
Rep., by its Manager Sri G. Ramana
and another

...
Respondents

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Counsel for the appellants : Shri T. Ananth Babu,

Senior Advocate

assisted by

Shri N. Jaya Surya for
Smt. P.V.V.B. Rajeswari

Counsel for the respondents : Shri C. Kodanda Ram

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Writ Appeal No. 132 of 2007

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Between:

Central Power Distribution Co., of A.P. Ltd.,
Singareni Bhavan, Red Hills, Hyderabad,
Rep., by its Managing Director and another
... Appellants

And

Dr. Reddy's Research Foundation,
Sy.No. 195 & 198/2/A, Madinaguda,
Miyapur, Bollarum Road, Hydeabad – 49,
Rep., by its Director – Administration,
Sri T. Sambi Reddy and another
...
Respondents

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Counsel for the appellants : Shri T. Ananth Babu,
Senior Advocate
assisted by
Shri N. Jaya Surya

Counsel for the respondents : Shri C. Kodanda Ram

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Writ Appeal No. 133 of 2007

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Between:

Central Power Distribution Co., of A.P. Ltd.,
Singareni Bhavan, Red Hills, Hyderabad,
Rep., by its Managing Director and another
... Appellants

And

M/s. Sri Lakshmi Gayatri Hotels Pvt Ltd.,
S.No. 8, Block – 4, Ward 87, Raj Bhawan Road,
rep., by its Managing Director, Sri D. Siva Rama Raju and another

...
Respondents

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Counsel for the appellants : Shri T. Ananth Babu,
Senior Advocate
assisted by
Shri N. Jaya Surya

Counsel for the respondents : Shri C. Kodanda Ram

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Writ Appeal No. 134 of 2007

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Between:

Central Power Distribution Co., of A.P. Ltd.,
Singareni Bhavan, Red Hills, Hyderabad,
Rep., by its Managing Director
... Appellant

And

Sudha Agro Oils and Chemical Industrial Ltd.,
Samalkot, E.G. District, R/o. Sudha Colony,
Peddapuram and seven others
...
Respondents

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Counsel for the appellant : Shri T. Ananth Babu,
Senior Advocate
assisted by
Shri N. Jaya Surya

Counsel for the respondents : Shri K. Gopal Choudary

Writ Appeal No. 135 of 2007

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Between:

Central Power Distribution Co., of A.P. Ltd.,

Singareni Bhavan, Red Hills, Hyderabad,
Rep., by its Managing Director

... Appellant

And

RPP Ltd. H.No.1-B (New No.618),
Arora Colony, Road No.3, Banjara Hills,
Hyderabad – 500 034, rep., by its
Managing Director, Sri Y.V. Subba Rao,
S/o. Y.V. Ramachandra Rao,
R/o. H.No.1-B (New No.618), Arora Colony,
Road No.3, Banjara Hills,
Hyderabad – 500 034 and another

...
Respondents

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Counsel for the appellant : Shri T. Ananth Babu,

Senior Advocate

assisted by

Shri N. Jaya Surya for
Smt. P.V.V.B. Rajeswari

Counsel for the respondents : Shri K. Gopal Choudary

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Writ Appeal No. 136 of 2007

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Between:

Central Power Distribution Co., of A.P. Ltd.,
Singareni Bhavan, Red Hills, Hyderabad,
Rep., by its Managing Director

... Appellant

And

HCL Agro Power Ltd., # 117, Amruth Ville,
Somajiguda Raj Bhavan, Hyderabad,
Rep., by Managing Director, Kilaru Gopi Prasad,
S/o. Kilaru Sriman Narayana, R/o 77,
Srinagar Colony, Hyderabad and five others

...
Respondents

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Counsel for the appellants : Shri T. Ananth Babu,

Senior Advocate

assisted by

Shri N. Jaya Surya for

Smt. P.V.V.B. Rajeswari

Counsel for the respondents : Shri K. Gopal Choudary

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Writ Appeal No. 137 of 2007

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Between:

Central Power Distribution Co., of A.P. Ltd.,
Singareni Bhavan, Red Hills, Hyderabad,
Rep., by its Managing Director and another

... Appellants

And

M/s. Shri Shakti Resorts (P) Ltd.,
D-II, Adj. Air Port, Begumpet,
Venus Shopping Plaza, Hyerabad – 500 016
and another

... Respondents

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Counsel for the appellants : Shri T. Ananth Babu,

Senior Advocate

assisted by

Shri N. Jaya Surya for

Smt. P.V.V.B. Rajeswari

Counsel for the respondents : Shri C. Kodanda Ram

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Writ Appeal No. 138 of 2007

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Between:

Central Power Distribution Co., of A.P. Ltd.,
Singareni Bhavan, Red Hills, Hyderabad,
Rep., by its Managing Director and another
... Appellants

And

M/s. Maheswari Plaza Resorts Ltd.,
5-8-231 to 262, Nampally, Hyderabad – 500 001,
rep., by its Chief Engineer, Sri K.Kiran
and another
...
Respondents

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Counsel for the appellants : Shri T. Ananth Babu,
Senior Advocate
assisted by
Shri N. Jaya Surya for
Smt. P.V.V.B. Rajeswari

Counsel for the respondents : Shri C. Kodanda Ram

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Writ Appeal No. 139 of 2007

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Between:

Central Power Distribution Co., of A.P. Ltd.,
Singareni Bhavan, Red Hills, Hyderabad,
Rep., by its Managing Director and another
... Appellants

And

M/s. Spencer and Company (Great Wholesale Club),
H.No.1-7-147 (Old), 222, New Bakaram,
Rep., by its Assistant Manager, Maintenance
Sri Ivon G. Sherratt and another
...
Respondents

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Counsel for the appellants : Shri T. Ananth Babu,

Senior Advocate

assisted by

Shri N. Jaya Surya

Counsel for the respondents : Shri C. Kodanda Ram

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:: COMMON JUDGMENT::

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February 08 2007

Per G.S. Singhvi, CJ

These appeals are directed against common order dated 7-12-2006 passed by the learned Single Judge in WVMP No. 1939 of 2006 in WPMP No. 15368 of 2006 in Writ Petition

No. 12367 of 2006 and batch, whereby he dismissed the vacate petitions filed by the appellant – Central Power Distribution Company of Andhra Pradesh Limited and confirmed the

ad interim orders subject to the condition that the generating companies, who had joined the consumers in the writ petitions, will alone furnish undertaking to the appellant to the effect that they would discharge their liability in the event of dismissal of the writ petitions.

We have heard Shri T. Ananth Babu, Senior Advocate appearing for the appellant and Shri K.G. Choudary and Shri C. Kodanda Ram appearing for the respondents and perused the record. Although, we find some merit in the criticism of Shri T. Ananth Babu that

the learned Single Judge disposed of the vacate petitions and stay matters by erroneously assuming that all the writ petitioners fall under the first category of generating companies which are exempted from paying Cross Subsidy Surcharge by virtue of Electricity (Removal of Difficulties) Second Order, 2005 issued by the Central Government under Section 183 of the Electricity Act, 2003, keeping in view paragraph 6.2 of order dated 21-9-2005 passed by the Andhra Pradesh Electricity Regulatory Commission recognising that the generating companies are entitled to exemption in terms of the 2005 Order issued by the Government of India, we do not find any valid ground or justification to interfere with the order impugned in the appeals.

Hence, the appeals are dismissed. However, it is made clear that in the event of dismissal of the writ petitions, the writ petitioners, against whom bills have been raised or who have been served with notices for payment of Cross Subsidy Surcharge (CSS), shall have to pay the amount due with interest at the rate determined by the Court.

At this stage, Shri T. Ananth Babu, made a request that keeping in view the nature of the issue raised in the writ petitions and in order to give finality to the litigation, so far as this Court is concerned, all the writ petitions may be heard by the Division Bench and disposed of on an early date.

Learned counsel for the writ petitions say that they do not have any objection.

In view of the above, we direct that Writ Petition Nos. 12367, 12368, 12369, 12761, 12762, 12950, 12951, 12952, 12992, 13138, 13217, 13221, 13367, 15333, 15343, 15368 and 17238 of 2006 shall be listed for before the Division Bench on
27-2-2007 for final arguments.

In the meanwhile, the parties may file supplementary affidavits within ten days from today, after supplying copies thereof to the opposite side.

As a sequel to dismissal of the appeals, WAMP Nos. 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236 and 237 of 2007 filed by the appellant are disposed of as infructuous.

G.S. SINGHVI, CJ

C.V. NAGARJUNA REDDY, J

February 08, 2007
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